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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,876	03/30/2001	Martin Thoone	01719055	7131
26565	7590	04/07/2006	EXAMINER	
MAYER, BROWN, ROWE & MAW LLP P.O. BOX 2828 CHICAGO, IL 60690-2828			POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,876

Applicant(s)

THOONE ET AL.

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/05/06 has been entered.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-23, drawn to a file system access control in a computer system, classified in class 726, subclass 28.
- II. Claims 24-38, a method of a key calculation and a selected group of files identifier generation using the key, classified in class 713, subclass 184.
- III. Claims 39-45, drawn to a storage medium protected with use of cryptography, classified in class 713, subclass 193.

Inventions I, II and III are drawn to a file system access control, a method of a key calculation and a selected group of files identifier generation using the key and cryptographic storage protection respectively are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I, drawn to a

file system access control has separate utility such as checking authorized use of a storage medium using an access authorization identifier, subcombination II, drawn to a method of a key calculation and a selected group of files identifier generation using the key has separate utility such as calculating a key with a device identification number, and subcombination III, drawn to a storage medium protected with use of cryptography has separate utility such as encrypting a plurality of data files. See MPEP § 806.05(d).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

During a telephone conversation with Richard Speer on 3/30/06 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 24-45 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Response to Arguments

1. Although applicant does not explicitly address the art rejection directed towards the elected claims 1-3, 6-21 and 23, the current amendment necessitated a new search that has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.

2. Claim 1-3, 6-21 and 23 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 6-21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites that an access authorization identifier is entered using the input unit (claim 1 line 6-7). The statement is not understood in light of the specification. Pg. 9 of the specification offers discussion of the system utilized in the invention and clearly defines an input unit "which can be used to enter a destination and ... the scrambled codes PIN and ACW". Pg. 12 of the specification discloses the relationship of ACW and an access authorization identifier AC ($ACW = k * AC$). As a result, the claim language is not understood since the plain meaning of the language does not correspond to the specification. The claim language (as discussed above) recites that the access authorization identifier is entered using the input unit, which in light of the input unit disclosed in the specification implies that the access authorization identifier (AC) is a part of PIN or ACW (PIN and ACW are the only two objects that are entered into the input unit). In order for the statement to be correct the AC would have to be a part of PIN or ACW.

However, the closest relationship (found in the specification on pg. 6) between these objects suggests that an access authorization identifier is calculated from a second code ACW ($ACW = k * AC$, pg. 12). This certainly does not justify the conclusion that AC is a part of ACW (and thus that the AC is entered using the input unit).

In order more intuitively present misleading limitation of claim 1 consider following example. Entering number 16 to an input would not justify the statement that number 4 was entered, even if eventually some function (e.g. a square root function) implemented in the computer would alter the originally entered number 16.

For purposes of further examination the phrase is treated as best understood.

5. Claims 2-3, 6-21 and 23 are rejected by virtue of their dependence.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 8, 10-12, 14-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cane (U.S. Patent No. 5416840) in view of Ayanoglu (U.S. Patent No. 5689252).
7. As per claims 1-3, 6-8, 10-12, 15-18 and 23 Cane (5416840) teaches a central processor with associated memory and an input unit an output unit (Fig. 1) and a

reader for a bulk storage medium (col. 2 lines 25-26 and col. 3 lines 35-38), wherein the navigation or multimedia system also has means for checking authorized use of each of the bulk storage medium and a selected file from a group of files on the bulk storage medium (PCDD, Fig. 1 and 6, col. 6 line 64-col. 7 line 8), a file management system which is designed to compare an access authorization identifier (authorization code A(i)) entered using the input unit (col. 6 line 68- col. 7 line 2) with access authorization identifiers for the files stored on the bulk storage medium (col. 7 lines 6-36 and col. 9 lines 52-63) a means for unscrambling an access authorization identifier entered in scrambled form (col. 7 lines 9-11). Cane teaches that the bulk storage medium containing encrypted files is a CD-ROM and that can be a DVD (col. 2 lines 26, col. 5 line 61-col. 6 line 2), a device identifier (ID) stored in a nonvolatile memory element of the computer system (col. 4 lines 16-20), means for calculating a key (k) for decrypting an encrypted file from a first code (PIN), entered in scrambled form, and the stored device identifier (ID) (col. 6 lines 48-56), and means for calculating the access authorization identifier (AC) from a second code (ACW) entered in scrambled form, using the key (k) (col. 7 lines 9-35). Cane does not teach that the computer system is adapted for use in a motor vehicle. Ayanoglu (5689252) discloses a navigation system implemented in automotive vehicles that utilize CD-ROM to store various road maps (Abstract and paragraphs 11). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the computer system disclosed by Cane in Ayanoglu's invention. One of ordinary skill in the art would have been motivated to

incorporate Cane's system in order to prevent unauthorized copying of the CD-ROM data.

8. As per claims 19-21 Cane discusses radio communication with a central station in which the use rights on the files are managed (e.g. col. 5 line 66-col. 6 line 44). Similarly, Ayanoglu's discloses a wireless radio link (paragraph 6). A short-haul radio link communication would have been obvious variation that is well known in the art given especially in light of the benefits of this technology as evidenced by its commercial success.
9. As per claim 14 Cane in view of Ayanoglu do not disclose the voice input means. Official Notice is taken that it is old and well-known practice to utilize voice input means in computing. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include voice input means in Cane in view of Ayanoglu's invention given the benefit of usability and flexibility.
10. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cane (U.S. Patent No. 5416840) in view of Ayanoglu (U.S. Patent No. 5689252) and in further view of Dreifus (U.S. Patent No. 4575621).

Cane in view of Ayanoglu disclose the device identifier as discussed above.

Cane in view of Ayanoglu do not teach that the device identifier can be automatically changed.

Dreifus teaches the device identifier that can be changed (Dreifus, col. 17 lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention modify Cane in view of Ayanoglu's invention to use a device

identifier that can be changed automatically as taught by Dreifus. One of ordinary skill in the art would have been motivated to incorporate automatically changed identifier given the benefit of increased security.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cane (U.S. Patent No. 5416840) in view of Ayanoglu (U.S. Patent No. 5689252) and in further view of Deitel (H.M. Deitel, "Operating Systems", 2nd edition, 1990, ISBN: 0201180383).

Cane in view of Ayanoglu teach the identifier as discussed above.

Cane in view of Ayanoglu do not explicitly teach a m-dimensional access authorization identifier, where m is the number of files stored on the bulk storage medium.


Dietel teaches m-dimensional access authorization identifiers, where m is the number of files stored on the bulk storage medium (Dietel, "Access Control Matrix" section and Fig. 13.7 pg. 400-401). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a m-dimensional access authorization identifier, where m is the number of files stored on the bulk storage medium as taught by Dietel given the benefit of access control to each file.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


4/1/06

